

CHAP. XV.—An Act to authorize the Registers of Deeds of Ramsey and Benton counties to procure certain copies of records in the office of the Register of Deeds of Washington county.

Nov. 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota.* That the registers of deeds of the counties of Ramsey and Benton of the Territory of Minnesota, are hereby required to procure from the records in the office of the register of deeds of the county of Washington, true and exact copies of the records of all deeds, mortgages and other instruments recorded in the office of the register of deeds of the said county of Washington (late St. Croix) which relates to or effects lands or real estate situate within the limits of the said counties of Ramsey or Benton respectively, recorded in the said county of Washington (late St. Croix) previous to the organization of the said counties of Ramsey and Benton, and record the same in a book or books to be procured by the board of county commissioners for that purpose.

Sec. 2. The registers of deeds of the said counties of Ramsey and Benton shall respectively affix to the said records so copied a certificate under oath, stating that as such register he procured the said records in pursuance of this act, and that they are true and exact copies of all such original records.

Sec. 3. The copies of such records made and certified as herein provided shall have the same force and effect as the original records.

Sec. 4. The register of deeds of the counties aforesaid shall be paid from the treasury of the said counties respectively for performing the duties herein enjoined upon them, and for arranging and preparing an alphabetical index to the records by them copied, such compensation as the commissioners of the said counties shall deem just and equitable.

Sec. 5. The register of deeds of the county of Washington shall permit the registers of deeds of the aforesaid counties of Ramsey and Benton to have free access to the records of his office for the purpose of procuring such copies.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

Registers of deeds of Ramsey and Benton counties to procure from records of Washington county, copies of deeds and other instruments of writing, which relate to lands in the former counties.

Register's duty to certify under oath certain facts, etc.

The record copies to have in law like effect as original records.

Registers to be paid for services and make index to records and fees allowed by comm'rs.

Register of Washington county shall allow free access to the records to procure copies, etc.

CHAP. XVI.—An Act concerning Debtors and their Securities.

Nov. 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota.* That when any person bound as security by bond, bill, note or otherwise, for the payment of money or performance of a contract, shall apprehend that the principal debtor for whom he is bound is likely to become insolvent, or emigrate from this Territory without previously satisfying or discharging such debts due, demand or obligation, so that it will become impossible or difficult for such security after paying, satisfying or discharging such debts due or demand to recover the value thereof from such principal debtor, it shall be lawful for such security, if action shall have accrued on any such contracts as aforesaid, to require by notice in writing his creditors forthwith to put the bond, bill, note or other contract by which he is bound as aforesaid in suit, who shall within twenty days commence an action and proceed with due diligence to judgment and execution thereon; and if such creditors shall fail or neglect to proceed as aforesaid, the said surety shall be discharged from the performance of said contract.

Sec. 2. That the provisions of this act shall be extended to the

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Security by contract showing, if action shall have accrued to require by notice in writing the creditor to sue the principal within twenty days and prosecute with due diligence to judgment and execution, and on failure the security discharged.

Security--representatives of--have remedy against creditor or his assignee, etc. but not extended to official bonds of officers, guardians, ex'rs, adm'rs or bonds with collateral securities.

Security or representative paying debt or part thereof upon judg't--such security on motion may have judg't in same court where original judg't.

Securities two or more and one subjected to judg't and payment and the principal shall be insolvent--the court where judg't, shall on motion, grant judg't and require the co-securities to pay proportional amounts.

Security shall not confess or permit judg't by default to distress principal, if principal enter himself def't and give collateral security to be approved, etc.

Special bail of judg't debtor, if indemnified by payment or part thereof may on motion in the same court recover the amt against such bail or his representatives

Notice ten days to be given before motions under this act and to whom.

heir, executor or administrator of any deceased security against the creditor or his assignee, executor, administrator upon his compliance with the first section of this act; but nothing herein contained shall be so construed to extend to the official bonds of public officers, guardians, executors, administrators, or bonds with collateral securities.

SEC. 3. That when any security, his heirs, executors or administrators, pays or discharges the debt or contract of his principal, or part thereof, upon judgments rendered against him, he shall have judgment to recover the value or amount so paid or discharged, together with the interest and costs, upon motion in the court where such judgment may have been rendered against such security, his executors or administrators of such principal debtor, his heirs, executors or administrators.

SEC. 4. That in case, when there are two or more securities to any bond, bill, note or contract, and one or more of such securities are subjected by judgment of any court, to the payment of the debt or damage by default of the principal obligor, and such obligor be insolvent, so that the amount or value thereof cannot be recovered of him, the court before whom such judgment may be rendered shall upon motion of such surety or sureties grant judgment, that they recover against all and every other co-sureties, their heirs, executors and administrators for their and each of their respective shares and proportions of the amount or value of such judgment with damages and costs.

SEC. 5. That no surety, his heirs, executors or administrators, shall be suffered to confess or suffer judgment by default so as to distress his principal, if such principal will enter himself defendant to such suit, and tender to such surety or his legal representatives aforesaid, good collateral security to be approved by the court before whom such suit is depending.

SEC. 6. That when the special bail of any judgment debtor shall be indemnified by the payment of such judgment, or part thereof, it shall be lawful for such bail, his executor, administrator or heir, to recover the amount of such payments with interest and costs upon motion, in the same court where judgment was rendered against such bail or his legal representatives of said debtor, his heirs, executors or administrators.

SEC. 7. That in all proceedings by motion under this act, ten days notice of such motion shall be given to the person against whom such judgment is to operate.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

Nov. 1, 1849.

CHAP. XVII.—An Act concerning Seals.

Sec'y of the Territory to furnish certain seals.

Great seal, description of such devices as may be agreed on by the Governor and delegate in Congress--who to have the custody of the seal--papers issuing under seal--to be recorded.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the Secretary of the Territory is hereby required to furnish for the purposes hereinafter specified, a great seal of the Territory, a seal for the supreme court and seals for the several district courts, seals for the several counties (*courts*) of probate and for the several boards of county commissioners of this Territory.

SEC. 2. The great seal of the Territory shall be of the diameter of the temporary seal of this Territory now in use, and shall be encircled with the words "great seal of the Territory of Minnesota, organized A. D., 1849," and the contro of said seal may contain such emblems, devices and mottoes as may be agreed upon by the Governor and delegate in Congress; and the person administering the govern-